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Hearing date: July 19, 2007 at 10:00 a.m.

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
In re	:	Chapter 11
	:	
DELPHI CORPORATION, <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	
	:	(Jointly Administered)
Debtors.	:	
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EXHIBIT A

TO

ROBERT BOSCH GmbH'S MOTION TO AMEND PROOF OF CLAIM

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
In re	:	Chapter 11
	:	
DELPHI CORPORATION, <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	
	:	(Jointly Administered)
Debtors.	:	
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DECLARATION OF PAUL-BERNHARD SCHOENBORN
OF ROBERT BOSCH GmbH

I, Paul-Bernhard Schoenborn, pursuant to 28 U.S.C. § 1746, furnish this declaration in support of the Response of Robert Bosch LLC to the Debtors' Thirteenth Omnibus Objection:

1. I have personal knowledge of the statements made in this declaration and could testify competently to the statements made herein.

2. I am employed by Robert Bosch GmbH ("Bosch GmbH") as Director of Corporate Licensing. I have held that position for 16 years. Bosch GmbH is one of the world's top manufacturers of automobile components. Bosch's automotive offerings include antilock braking and fuel-injection systems, auto electronics, starters, and alternators. Bosch GmbH is headquartered in Germany, and Bosch GmbH is the ultimate parent company of the United States-based Robert Bosch LLC f/k/a Robert Bosch Corporation ("Bosch US").

3. Bosch GmbH and its direct and indirect affiliates and subsidiaries (including Bosch US) (collectively "Bosch") are both suppliers to and customers of debtor Delphi Corporation and/or its direct and indirect subsidiaries and affiliates (collectively, "Delphi"), including Delphi Automotive Systems LLC.

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4. Prior to filing its bankruptcy petition, Delphi infringed on multiple patents held by Bosch. The patent infringement arose out of Delphi's supply of automotive parts to its customers that contain certain Electronic Control Units and/or detection devices (collectively "ECUs"). The ECUs infringed patents that were owned by Bosch.

5. It was the understanding within the Bosch organization that the patents that were being infringed by Delphi were patents held by Bosch GmbH. That assumption was based on a general practice that core technology in the airbag systems field is held by Bosch GmbH. Accordingly, Bosch GmbH filed a proof of claim for pre-petition patent infringement (which I understand to be Claim No. 13623) on or about July 28, 2006, which was prior to the bar date of July 31, 2006. I have been informed that Bosch GmbH then amended that claim in August 2006 to include additional supporting information and documentation that was inadvertently omitted from Claim No. 13623 (which I understand to be Claim No. 16220, together with Claim No. 13623 the "Bosch GmbH Claim").

6. The Bosch GmbH Claim set forth sufficient facts to put Delphi on notice of the patent infringement claim. Specifically, the Bosch GmbH Claim (1) set forth an explanation of the Claim; (2) set forth the products claimed to be patent infringing, both in the United States and abroad; (3) set forth the U.S. and foreign patents claimed to be infringed; and (4) provided estimates regarding the magnitude of the claim.

7. The Bosch GmbH Claim was filed against the Delphi-related entities that Bosch believed may have infringed on the patents (collectively, the "Delphi Related Entities"),¹ not to

¹ I have been informed that the Delphi Related Entities against which the Bosch GmbH Claim was filed consist of the following: Delphi Automotive Systems, LLC; Delphi Corporation; Delphi NY Holding Corporation; ASEC Manufacturing General Partnership; ASEC Sales General Partnership; Specialty Electronics International Ltd.; Specialty Electronics, Inc.; Delphi Liquidation Holding Company; Delphi Electronics (Holding) LLC; Delphi Technologies, Inc.; Delphi Automotive Systems Tennessee, Inc.; Delphi Mechatronic Systems, Inc.; Delphi China LLC; Delphi Automotive Systems Korea, Inc.; Delphi Automotive Systems Thailand, Inc.; Delphi Automotive

seek a duplicative recovery, but as a protective measure because it was unclear which Delphi entity was doing the infringing.

8. Delphi objected to the Bosch GmbH Claim and the claims against the other Delphi Related Entities on October 31, 2006 in the Debtors' Second and Third Omnibus Objection to proofs of claim. The Second Omnibus Objection sought to expunge the duplicative claims against the Delphi Related Entities and the Third Omnibus Objection sought to disallow the Bosch GmbH Claim because Delphi's books and records failed to disclose any liability to Bosch GmbH for patent infringement.

9. Delphi and Bosch GmbH resolved the Second Omnibus Objection by stipulating to consolidate the duplicative claims into one claim against Delphi Automotive Systems LLC, but still treat the Bosch GmbH Claim as a single claim filed against the Delphi Related Entities. An order approving the stipulation was entered on January 17, 2007.

10. As for the Third Omnibus Objection, I have been informed that Bosch GmbH filed a response to that objection on November 22, 2006. The objection required a claimant to respond by providing all supporting documentation to support the claim. Even though Bosch GmbH already provided adequate support for the patent infringement claim, Bosch GmbH conducted further inquiry for other documents that would support the Bosch GmbH Claim in an effort to provide additional support.

11. During Bosch GmbH's further review and inquiry, it became apparent that two of the patents listed in the Bosch GmbH Claim (Patents US-5,482,314, including the divisional

Systems International, Inc.; Delphi International Holdings Corp.; Delphi Automotive Systems Overseas Corporation; Delphi Automotive Systems (Holding) Inc.; Delco Electronics Overseas Corporation; Delphi LLC; Aspire, Inc.; Delphi Connection Systems; Packard Hughes Interconnect Company; Delphi Automotive Systems Services LLC; Delphi Services Holding Corporation; Delphi Automotive Systems Global (Holdings), Inc.; and Delphi Furukawa Wiring Systems LLC.

patent US-6,272,411, and EP-757,635) may actually be owned by Bosch US, notwithstanding the common belief throughout Bosch GmbH that Bosch GmbH was the holder of all of the patents infringed by Delphi. Those two patents are hereinafter referred to as the "Bosch US Patents."


12. I have been informed that Bosch US promptly amended the claim it already had on file (which I understand to be Claim No. 13620, the "Bosch US Claim") on December 27, 2006 to include a claim for patent infringement for the Bosch US Patents in the event it was ultimately determined that Bosch US, and not Bosch GmbH, was the party entitled to recover damages for Delphi's infringement of the Bosch US Patents. I have been informed that such amendment (which I understand to be Claim No. 16467) was done in lieu of filing a new proof of claim because Bosch US already had Claim No. 13620 on file.

13. Bosch is not seeking a double recovery by having two claims on file for the same patents (one for Bosch GmbH and one for Bosch US). Rather, Bosch simply seeks one recovery and has filed claims on behalf of both Bosch GmbH and Bosch US as a precautionary measure in the event Delphi disputes which Bosch entity holds the applicable patents.

14. Delphi has since objected to the amendment of the Bosch US Claim on grounds that the amendment was untimely, even though a claim for patent infringement was already on file prior to the bar date by Bosch GmbH.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed on May 23, 2007.



Paul-Bernhard Schoenborn